

## **REMARKS**

The present Amendment and Response is in response to the *final* Office Action, dated May 4, 2004, where the Examiner has rejected claims 9-32. By the present Amendment and Response, applicants have amended claims 9, 10, 12, 13, 15, 17, 18, 20, 23, 25, 26, 28, 29 and 31, and have cancelled claims 14, 16, 22, 24, 30 and 32. Accordingly, after the present Amendment and Response, claims 9-13, 15, 17-21, 23, 25-29 and 31 are pending in the application. Reconsideration and allowance of pending claims in view of the amendments and the following remarks are respectfully requested.

### **A. Rejection of Claims 9-32 under 35 USC § 102(e)**

The Examiner has rejected claims 9-32 under 35 USC § 102(e), as being anticipated by Foltan et al. (USPN 6,667,972) (hereinafter "Foltan"). Applicants respectfully disagree.

To further clarify the invention of claim 9, applicants have amended claim 9 to state that, in response to a voice connection request, the establishment module establishes a telephone modem interface for use with said telephone modem API for communicating data related to said plurality of telephone modem control calls, instruction calls and data calls, and establish a voice interface for use with said voice module. Further, claim 9 has been amended to recite: "wherein said device driver establishes said telephone modem interface to represent said voice connection to said application program as a telephone modem connection and facilitates said voice connection using said application program, said application program communicating with said telephone modem interface via said telephone modem API using said plurality of telephone modem control calls, instruction calls and data calls."

Applicants respectfully submit that Foltan merely stands to show a system that supports fax, video, voice and data, which must naturally include respective fax module, video module, voice module and data module and related interfaces for supporting such features. However, Foltan does not disclose, teach or suggest a device driver that makes the API and/or the operating system think that they are communicating with a telephone modem module, where in fact they are communicating with a voice module. For example, the Examiner's attention is directed to page 14, lines 13-18 of the present application, which reads:

Various embodiments implement the modem-like connection differently, but exemplary techniques include formulating a modem connection in device driver 222 such that operating system 138 "thinks" that data sessions with voice module 202 are modem connections instead of voice connections.

Applicants respectfully submit that claim 9, as amended, clarifies the above distinction by stating: "wherein said device driver establishes said telephone modem interface to represent said voice connection to said application program as a telephone modem connection and facilitates said voice connection using said application program, said application program communicating with said telephone modem interface via said telephone modem API using said plurality of telephone modem control calls, instruction calls and data calls." In other words, in response to a request by the application program for a voice connection, the device driver provides a telephone modem connection (not a voice connection), and makes the host "think" that it is talking to a telephone modem module, because the telephone modem interface communicates with telephone modem API using telephone modem control calls, instruction calls and data calls, but the interaction module converts the data from the telephone modem interface and generates converted data for use by the voice module. As a result, unbeknownst to the telephone modem

API and the application program, the device driver is facilitating a voice connection by interfacing with a voice module, although it looks like a telephone modem connection to the modem API and the application program.

In response to applicants' arguments, the Examiner states that "a modem connection is a connection that carries data with IP packets." As discussed with the Examiner, the Examiner's broad interpretation of the term "modem connection" is not supported by the detailed specification of the present application (and not even by Foltan). The present application clearly teaches "modem" to be a "telephone modem", and telephone modem connection communicates data in modulated form and not digital IP packet form. Further, even Foltan distinguishes between voice and data services (See Fig. 5, modules 337), which indicates that voice and modem connections are different. Further, the Examiner's interpretation of the term "modem connection" is so broad that it renders any distinction between the terms "voice connection" and "modem connection" in claim 9 meaningless, since "voice connection" could also be seen from the network perspective to be a connection that carries data with IP packets. But, clearly, the terms "modem connection" and "voice connection" must have different meanings. However, notwithstanding the above, applicants have amended claim 9 to specifically recite "telephone modem" to distinguish that "modem connection" refers to a connection that carries modulated data over telephone line.

In addition, as discussed with the Examiner, Foltan states that its API allows a host to communicate with the modules 250 to determine communications capabilities and/or services supported by the modules 25, and the configuration via the host 260 schedules modules 250 to service data connection according to the services offered by these modules 250. (Col. 10, line 61

- col. 11, line 5.) Therefore, according to Foltan, if the service is a voice service, the configuration is performed according to such voice service, and if the service is a data service, the configuration is performed according to such data service. This is in sharp contrast to claim 9, “wherein said device driver establishes said telephone modem interface to represent said voice connection to said application program as a telephone modem connection and facilitates said voice connection using said application program, said application program communicating with said telephone modem interface via said telephone modem API using said plurality of telephone modem control calls, instruction calls and data calls.” In other words, in Foltan, a voice call is represented as a voice connection to the application program, not a telephone modem connection, and therefore, a telephone modem API is not used in Foltan for voice connections. Even more, there is no disclosure, teaching or suggestion in Foltan that, in response to a voice connection request, the application program of Foltan communicates with the API using a plurality of telephone modem control calls, instruction calls and data calls.

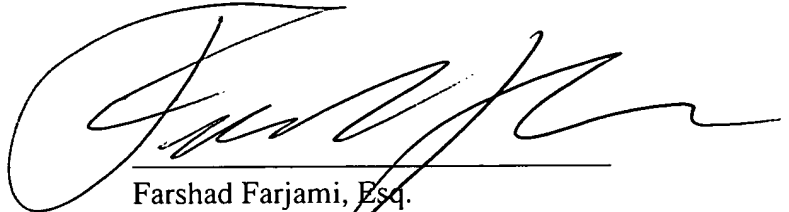
Accordingly, at least for the reasons stated above, it is respectfully submitted that claim 9 and its dependent claims 10-13 and 15 should be allowed.

Furthermore, independent claims 17 and 25 include limitations similar to those of claim 9, and thus, claims 17 and 25, and their respective dependent claims 19-21, 23, 26-29 and 31 should also be allowed.

**B. Conclusion**

For all the foregoing reasons, an early allowance of claims 9-13, 15, 17-21, 23, 25-29 and 31 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;  
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.  
Reg. No. 41,014

Farshad Farjami, Esq.  
FARJAMI & FARJAMI LLP  
26522 La Alameda Ave., Suite 360  
Mission Viejo, California 92691  
Telephone: (949) 282-1000  
Facsimile: (949) 282-1002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail Post Office to addressee" under 37 C.F.R. Sec. 1.10 addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 6/24/04

LESLEY L. LAM  
Name

  
Signature